

Public Law 102-87
102d Congress

An Act

To amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

Aug. 14, 1991

[H.R. 1448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSE.

(a) MODIFICATION.—The first section of the Act entitled “An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply”, approved May 12, 1920 (41 Stat. 596), is amended by striking “city:”, and by inserting in lieu thereof “city, and for use for the construction and operation of a correctional facility for women on no more than forty acres in the west half of section two that are contiguous with Fore Road (as such road existed on June 11, 1991), provided that neither the city nor any other entity allows the construction after June 11, 1991, of any temporary or permanent road across City Creek or within the area three hundred feet on each side of the centerline of such creek (but any road existing within such area on such date may be maintained to the same standard as existed on such date), and (with respect to the remainder of such lands) for use for outdoor recreational purposes consistent with the maintenance of natural open space, wildlife habitat purposes, and other public purposes consistent with water storage or utility transmission purposes by such city or other governmental entity. The city of Pocatello may convey or lease to a governmental entity established under the laws of the State of Idaho such portion of the lands conveyed to such city under this Act as may be used for a correctional facility, but may not transfer any of the city’s right, title, or interest in any other portion of such lands.”.

(b) The first section of said Act is further amended by the addition of the following paragraphs at the end thereof:

“(b)(1) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the city of Pocatello under this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement, or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

“(2) If lands granted or conveyed to the city of Pocatello by or pursuant to this Act shall be used for purposes that the Secretary of the Interior finds: (A) inconsistent with the purposes for which such lands were granted or conveyed and not authorized by the Secretary pursuant to this Act, and (B) which may result in the disposal, placement, or release of any hazardous substance, the city of Pocatello shall be liable to pay to the Secretary of the Interior, on behalf

of the United States, the fair market value of the land, including the value of any improvement thereon, as of the date of conversion of the land to such nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended.”.

(c) AMENDMENT OF PATENTS.—Upon the request of the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 12, 1920, so as to conform to the amendments to such Act made by this Act.

SEC. 2. MODIFICATION OF REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596) is amended by designating the existing text of such section as section 1(a) and by striking out “of each year after the expiration of said two years,” and inserting in lieu thereof “every five years beginning in 1996,”.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1448:

HOUSE REPORTS: No. 102-127 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-121 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 24, considered and passed House.

July 31, considered and passed Senate.